

Notice of Allowability

Application No.

09/933,790

Examiner

Shaima Q. Aminzay

Applicant(s)

MOULSLEY ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 12, 2006.
2. ☒ The allowed claim(s) is/are 1-9, 11-13, 15-17 and 19-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 12, 2006 has been entered.

Allowable Subject Matter

1. Claims 1-9, 11-13, 15-17, and 19-36 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reason for allowance:

The applicant filed "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent", and an amendment on April 12, 2006 in response to the final office action mailed January 13, 2006, filing of the "Terminal Disclaimer", and the amendments to the independent claims 1, 12, 16, and 20 puts the application in conditions for allowance.

The prior art specifically Chuah (Chuah et al. U. S. Patent 6,587,672) and Muller (Muller U. S. Patent 6,490,461) are failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

“A method of transferring information in units over a wireless digital communications link between a transmitting station and a receiving station comprising the steps of: transmitting first information units at a first power level selected to minimize the average power consumption of the transmitting station as a function of the first power level and power levels of possible retransmissions; monitoring if correct reception of the transmitted units occurred; and transmitting second information units associated with the first information units, for which first information units the monitoring did not indicate correct reception occurred, at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established and wherein the second power level may be less than or greater than the first power level” as disclosed in claim 1.

“A digital wireless communications system comprising at least one transmitter

having means for transmitting first information units at a first power level selected to minimize the average power consumption of the transmitting station as a function of the first power level and power levels of possible retransmissions; at least one receiver having means for receiving the transmitted information units; control means for controlling the transmitter output power; and monitoring means for monitoring if correct reception of the transmitted units occurred at the receiver, wherein the transmitting means transmits second information units associated with the first information units for which first information units the monitoring means does not indicate correct reception has occurred, the second information units being transmitted at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established, and wherein the second power level may be less than or greater than the first power level." as disclosed in claim 12.

"A transmitter station for digital wireless transmission of traffic information to a receiver, said transmitter station having: a transmitter for transmitting first information units at a first power level selected to minimize the average power consumption of the transmitting station as a function of the first power level and power levels of possible retransmissions; control means for controlling the

transmitter output power; and monitoring means for monitoring if correct reception of the transmitted units occurred at the receiver, wherein the transmitter transmits second information units associated with the first information units for which first information units the monitoring means does not indicate correct reception has occurred at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established, and wherein the second power level may be less than or greater than the first power level." as disclosed in claims 16.

"A receiver for use in a digital wireless communications system comprising at least one transmitter having means for transmitting first information units at a first power level selected to minimize the average power consumption of the transmitting station as a function of the first power level and power levels of possible retransmissions, the receiver having means for receiving the transmitted information units; control means for controlling the transmitter output power; and monitoring means for monitoring if correct reception of the transmitted units occurred at the receiver, wherein the transmitting means transmits second information units associated with the first information units for which first information units the monitoring means does not indicate correct reception has

occurred, the second information units being transmitted at a second power level which is controlled on the basis of the disparity between target and actual quality of reception parameters for said second information units, wherein the target quality of reception parameter for said second information units is different to the target quality of reception parameter for said first information units, the second information units allowing the content of the first information units to be established, and wherein the second power level may be less than or greater than the first power level.” as disclosed in claim 20.

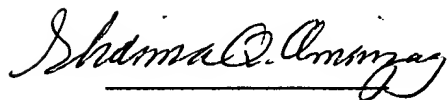
For these reasons, independent claims 1, 12, 16, and 20 are allowed. Claims 2-9, 11, 21-24 which depend from independent claim 1, claims 13, 15, 25-28 which depend from independent claim 12, claims 17, 19, 29-32 which depend from independent claim 16, and claims 33-36 which depend from independent claim 20 are allowed under the same reasons set forth in claims 1, 12, 16, and 20.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay
(Examiner)

May 25, 2006


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay A. Maung
(SPE)